

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ADRIAN JOHNSON,
Plaintiff,

VS.

GREEN, *et al.*,
Defendants.

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NO. 5:20-CV-371-MTT-CHW

ORDER

Plaintiff Adrian Johnson, a prisoner confined at the Georgia Diagnostic & Classification Prison in Jackson, Georgia filed a *pro se* pleading that was docketed as a 42 U.S.C. § 1983 civil rights claim. ECF No. 1. However, it was unclear from Plaintiff's pleadings whether Plaintiff meant file his claims as a § 1983 action or as a habeas claim. *Id.* Therefore, on October 26, 2020, the Court ordered Plaintiff to recast his complaint and provided specific instructions regarding how to do so. ECF No. 3. Plaintiff was also ordered to either submit a properly completed motion to proceed *in forma pauperis* or pay the \$400.00 filing fee. *Id.* Plaintiff was given twenty-one (21) days to respond and was informed that failure to comply would result in dismissal of his action. *Id.* Plaintiff failed to respond.

Therefore, on December 2, 2020, the Court notified Plaintiff that it had not received a response and ordered him to show cause why his action should not be dismissed for failure to comply and diligently prosecute his claims. ECF No. 5. The Court

unambiguously informed Plaintiff that his action would be dismissed if he failed to respond. *Id.* Plaintiff was given fourteen (14) days to respond and he failed to do so.

Because Plaintiff has failed to respond to the Court's orders or otherwise prosecute his case, his complaint is **DISMISSED WITHOUT PREJUDICE**. See Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)).

SO ORDERED, this 22nd day of December, 2020.

S/ Marc T. Treadwell
MARC TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT